

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTON

CIVIL APPLICATION NO.1620 OF 2007
IN
WRIT PETITION NO.6039 OF 2006

Sundernagar Co-operative
Housing Society Ltd. .. Petitioner.

Versus

Satyanarayan Narayan Maripalli
& Others .. Respondents.

Mr.R.D. Soni i/by M/s. Ram & Co. for the
petitioner.

Mr.S.S. Pednekar for respondent No.1.

Mr.M.P. Thakur, AGP for respondent Nos.3,4 & 5.

Mr.G.D. Utangale i/by M/s.Utangale & Co. for
respondent Nos.2 and 3.

CORAM : F.I. REBELLO &
J.P. DEVADHAR, JJ.

DATED : 28TH AUGUST, 2007.

P.C. :

1. This is an application by the Society which was the Petitioner and which petition was disposed by order of January 9, 2007. We may note that the Respondent No.1 herein was the Petitioner in Writ Petition (L) No.102 of 2006. That petition was disposed off on 28th February, 2006. By that order, the Petitioner herein was directed to accommodate the Petitioner in the Scheme or adjust him anywhere in any other Scheme. While disposing of the present petition, we had recorded that S.R.A. has sanctioned additional area, in which the Petitioner in W.P. (L) No.102 of 2006 could be accommodated.

That additional area has not been constructed. We also noted that the Society had taken no steps against the developer. As respondent No.7 by way of temporary arrangement directed the Society to make available one of the flats out of the three meant for welfare centre. We had chosen not to interfere in the exercise of our extra ordinary jurisdiction. In spite of the order, premises had not been handed. The Society had come by way of the present application to this Court for the reliefs as prayed for. We had directed the Society to first hand over possession of the premises. Today, we are informed that the key was handed over to the S.R.A. which in turn will hand over the premises to the concerned party, if not already handed over.

2. The question of deciding the time within which Respondent No.1 will vacate in the instant case would not arise, as Respondent No.1 is allowed to occupy temporary accommodation till such time he is rehabilitated in the building to be constructed in the additional area sanctioned by the S.R.A. or given any other suitable place in the Scheme.

3. With the above observations, the application stands disposed of.

(F.I. REBELLO, J.)

(J . P . DEVADHAR, J .)